

Sec. 3. STATEWIDE ORGAN AND TISSUE DONOR REGISTRY — STUDY — IMPLEMENTATION. If sufficient funding is available from state appropriations, federal funding, or private sources, the Iowa department of public health shall conduct a feasibility study for implementation of a statewide organ and tissue donor registry as described in this Act. Implementation of the registry is contingent upon the department securing sufficient funding to support initial start-up and ongoing administrative costs associated with the operation of the registry.

Approved April 5, 2000

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## CHAPTER 1053

### ACUPUNCTURE — LICENSURE AND REGULATION

#### S.F. 182

AN ACT requiring licensure to practice acupuncture.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 147.1, subsections 3 and 6, Code 1999, are amended to read as follows:

3. “Licensed” or “certified” when applied to a physician and surgeon, podiatric physician, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, social worker, massage therapist, ~~or athletic trainer~~, or acupuncturist, means a person licensed under this subtitle.

6. “Profession” means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, respiratory care, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, social work, dietetics, massage therapy, ~~or athletic training~~, or acupuncture.

Sec. 2. Section 147.2, Code 1999, is amended to read as follows:

147.2 LICENSE REQUIRED.

A person shall not engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, occupational therapy, respiratory care, pharmacy, cosmetology, barbering, social work, dietetics, marital and family therapy or mental health counseling, ~~or mortuary science~~, or acupuncture, or shall not practice as a physician assistant as defined in the following chapters of this subtitle, unless the person has obtained from the department a license for that purpose.

Sec. 3. Section 147.74, subsection 18, Code Supplement 1999, is amended to read as follows:

18. An acupuncturist ~~registered licensed~~ under chapter 148E may use the words “~~registered~~ licensed acupuncturist” after the person’s name.

Sec. 4. Section 147.80, subsection 24, Code 1999, is amended to read as follows:

24. ~~Registration License to practice acupuncture, registration license to practice acupuncture under a reciprocal agreement, or renewal of registration a license to practice acupuncture.~~

Sec. 5. Section 148E.1, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Acupuncture" means a form of health care developed from traditional and modern oriental medical concepts that employs oriental medical diagnosis and treatment, and adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease.

2. "Acupuncturist" means a person who is engaged in the practice of acupuncture.

3. "Board" means the board of medical examiners established in chapter 147.

4. "Practice of acupuncture" means the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body based upon oriental medical diagnosis as a primary mode of therapy. Adjunctive therapies within the scope of acupuncture may include manual, mechanical, thermal, electrical, and electromagnetic treatment, and the recommendation of dietary guidelines and therapeutic exercise based on traditional oriental medicine concepts.

Sec. 6. Section 148E.2, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.2 LICENSE REQUIRED — RENEWAL.

1. In order to obtain a license to practice acupuncture, an applicant shall present evidence to the board of all of the following:

a. Current active status as a diplomate in acupuncture of the national commission for the certification of acupuncturists.

b. Successful completion of a three-year postsecondary training program or acupuncture college program which is accredited by, in candidacy for accreditation by, or which meets the standards of the national accreditation commission for schools and colleges of acupuncture and oriental medicine.

c. Successful completion of a course in clean needle technique approved by the national commission for the certification of acupuncturists.

2. Notwithstanding subsection 1, a license to practice acupuncture shall be granted by the board to a resident of this state who has successfully completed an acupuncture degree program approved by the board, or an apprenticeship or tutorial program approved by the board, on or before July 1, 2001.

3. A license granted pursuant to this section shall be renewed every two years. Renewal shall require evidence of current active membership in the national commission for the certification of acupuncturists.

Sec. 7. Section 148E.3, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.3 SCOPE OF CHAPTER.

This chapter does not apply to the following:

1. A person otherwise licensed to practice medicine and surgery, osteopathy, osteopathic medicine and surgery, chiropractic, podiatry, or dentistry who is exclusively engaged in the practice of the person's professions.<sup>1</sup>

2. A student practicing acupuncture under the direct supervision of a licensed acupuncturist as part of a course of study approved by the board.

<sup>1</sup> See chapter 1232, §49 herein

Sec. 8. Section 148E.4, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.4 STANDARD OF CARE.

A person licensed under this chapter shall be held to the same standard of care as a person licensed to practice medicine and surgery, osteopathy, or osteopathic medicine and surgery.

Sec. 9. Section 148E.5, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.5 USE AND DISPOSAL OF NEEDLES.

An acupuncturist shall use only presterilized, disposable needles, and shall provide for adequate disposal of used needles.

Sec. 10. Section 148E.6, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.6 DISPLAY OF CERTIFICATE AND DISCLOSURE OF INFORMATION TO PATIENTS.

An acupuncturist shall display the license issued pursuant to section 148E.2 in a conspicuous place in the acupuncturist's place of business. An acupuncturist shall provide to each patient upon initial contact with the patient the following information in written form:

1. The name, business address, and business telephone number of the acupuncturist.
2. A fee schedule.
3. A listing of the acupuncturist's education, experience, degrees, certificates, or credentials related to acupuncture awarded by professional acupuncture organizations, the length of time required to obtain the degrees or credentials, and experience.
4. A statement indicating any license, certificate, or registration in a health care occupation which was revoked by any local, state, or national health care agency.
5. A statement that the acupuncturist is complying with statutes and rules adopted by the board, including a statement that only presterilized, disposable needles are used by the acupuncturist.
6. A statement indicating that the practice of acupuncture is regulated by the board.
7. A statement indicating that a license to practice acupuncture does not authorize a person to practice medicine and surgery in this state, and that the services of an acupuncturist must not be regarded as diagnosis and treatment by a person licensed to practice medicine and must not be regarded as medical opinion or advice.

Sec. 11. Section 148E.7, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.7 DUTIES OF BOARD.

The board shall adopt rules consistent with this chapter and chapter 147 which are necessary for the performance of its duties.

Sec. 12. Section 148E.8, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.8 LICENSE REVOCATION OR SUSPENSION.

In addition to the grounds for revocation or suspension referred to in section 147.55, a license to practice acupuncture shall be revoked or suspended when the acupuncturist is guilty of any of the following acts or offenses:

1. Failure to provide information as required in section 148E.6 or provision of false information to patients.
2. Acceptance of remuneration for referral of a patient to other health professionals.
3. Offering of or giving of remuneration for the referral of patients, not including paid advertisements or marketing services.
4. Failure to comply with this chapter, rules adopted pursuant to this chapter, or applicable provisions of chapter 147.

5. Engaging in sexual activity or genital contact with a patient while acting or purporting to act within the scope of practice, whether or not the patient consented to the sexual activity or genital contact.

6. Disclosure of confidential information regarding the patient.

Sec. 13. Section 148E.9, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

148E.9 ACCIDENT AND HEALTH INSURANCE COVERAGE.

This chapter shall not be construed to require accident and health insurance coverage for acupuncture services under an existing or future contract or policy for insurance issued or issued for delivery in this state, unless otherwise provided by the contract or policy.

Sec. 14. Section 148E.10, Code 1999, is repealed.

Approved April 6, 2000

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## CHAPTER 1054

### SCHOOL TAXES — PHYSICAL PLANT AND EQUIPMENT LEVY — URBAN RENEWAL PROJECTS

S.F. 2089

**AN ACT** relating to collection of the physical plant and equipment property tax levy in certain urban renewal areas and providing an applicability date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 298.3, Code 1999, is amended by adding the following new subsection: NEW SUBSECTION. 12. Payments to a municipality or other entity as required under section 403.19, subsection 2.

Sec. 2. Section 403.19, subsection 2, Code 1999, is amended to read as follows:

2. That portion of the taxes each year in excess of such amount shall be allocated to and when collected be paid into a special fund of the municipality to pay the principal of and interest on loans, moneys advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, including bonds issued under the authority of section 403.9, subsection 1, incurred by the municipality to finance or refinance, in whole or in part, an urban renewal project within the area, and to provide assistance for low and moderate income family housing as provided in section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to section 298.2 and taxes for the payment of bonds and interest of each taxing district must be collected against all taxable property within the taxing district without limitation by the provisions of this subsection. However, all or a portion of the taxes for the physical plant and equipment levy shall be paid by the school district to the municipality if the municipality certifies to the school district by July 1 the amount of such levy that is necessary to pay the principal and interest on indebtedness incurred by the municipality to finance an urban renewal project, which indebtedness was incurred before July 1, 2000. Such school district shall pay over the amount certified by November 1 following certification to the school district. Unless and until the total assessed valuation of the taxable property in an urban renewal area exceeds the total assessed value of the taxable property in such area as shown by the last equalized assessment roll referred to in subsection 1, all of the taxes levied and collected upon the taxable property in the urban renewal area shall be paid into the funds for the respective